



DEFENSE LOGISTICS AGENCY
HEADQUARTERS
8725 JOHN J. KINGMAN ROAD
FORT BELVOIR, VIRGINIA 22060-6221

IN REPLY
REFER TO

J-7

APR 06 2010

The Honorable Darrell Issa
Ranking Member, Committee on Oversight
and Government Reform
U.S. House of Representatives
Washington, DC 20515-6143

Dear Representative Issa:

This is in response to your letter of February 4, 2010, to Secretary Gates requesting production of all documents, including the contract file for the solicitation, related to the pending sole source award to Kuwait & Gulf Link Transport (KGL) under Solicitation SP3300-10-R-0014 for storage and distribution requirements in the U.S. Central Command (CENTCOM) Area of Responsibility (AOR).

The Defense Logistics Agency (DLA) takes very seriously its responsibility for maintaining the integrity of its acquisition program. The synopsis by which DLA published its intent to award a contract to KGL was based on market research indicating KGL was the only source with existing space available to satisfy our minimum requirements. The synopsis also invited other firms to identify their capability to fulfill the specified storage and distribution requirements. Additional firms responded and represented themselves as having the required capability. Based on evaluation of those responses, DLA determined additional capability may exist. Therefore, DLA cancelled the synopsis for the sole source procurement and issued a formal solicitation in support of a full and open competition on March 25, 2010. Please be assured appropriate consideration will be given to relevant facts and circumstances when DLA makes the required determination of responsibility prior to the competitive award of this contract.

A number of the enclosed documents identified on the attached Table of Contents contain sensitive or proprietary information and are protected in whole or part by the Procurement Integrity Act (41 U.S.C. § 423) and/or the Trade Secrets Act (18 U.S.C. § 1905), and may also contain personal information protected by the Privacy Act (5 U.S.C. § 552a), and thus are exempt from automatic disclosure under the Freedom of Information Act (5 U.S.C. § 552). The Department of Defense has consistently taken the position that such information of a proprietary, personal privacy, or contract sensitive nature must be properly safeguarded. Disclosure of the listed documents could, among other things, compromise the integrity of the pending competitive procurement for storage and distribution requirements in the CENTCOM AOR.

DLA provides these documents with the understanding and intent that such provision shall not be deemed a waiver of any applicable privilege. DLA respectfully requests that these documents be shared only within the Committee and then only with those who have an official



need for the information, that the documents not be disclosed outside the Committee or to the public, that appropriate steps be taken to safeguard these documents, and that the documents be destroyed after use.

The point of contact for this action is Ms. Rebecca Glover, Office of Legislative Affairs, (703) 767-5292.

Sincerely,

(b)(6)

A. S. THOMPSON
Vice Admiral, SC, USN
Director

Attachment

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IN REPLY
REFER TO J-7

SEP 13 2010

The Honorable Ike Skelton
U.S. House of Representatives
Washington, DC 20515-2504

Dear Mr. Chairman:

Thank you for your August 10, 2010, inquiry to VADM Alan S. Thompson regarding the Defense Logistics Agency's (DLA) purchases of ultra high temperature (UHT) milk for U.S. military forces in Iraq and Afghanistan. I am replying on his behalf.

DLA provides food in support of U.S. military forces in Iraq and Afghanistan through its subsistence prime vendor contracts. Prime vendors are distributors of the full range of commercial food products required by the Military Services, to include UHT milk; the prime vendors obtain these products from approved sources and deliver them directly to our customers. DLA does not contract directly for UHT milk products, and there is no government-conducted competition for these requirements.

You have inquired as to whether DLA has contracted with Kellogg, Brown and Root (KBR) for UHT milk served to U.S. military personnel in Iraq and Afghanistan. KBR has never held a DLA contract for UHT milk; nor has it been awarded a DLA prime vendor contract. Our subsistence prime vendors serving U. S. Forces in Iraq and Afghanistan obtain UHT milk from sources that have been approved by the U. S. Army Veterinary Command (VETCOM) and whose milk has passed taste-testing by the Joint Culinary Center of Excellence and has also been approved for appearance, shelf life and nutritional requirements. VETCOM exercises responsibility for food safety and quality assurance for all of our subsistence purchases, and maintains surveillance over the facilities and quality of the products of all sources of supply. The same level of oversight is maintained over foreign sources as over those in the continental United States.

DLA's purchases of UHT milk in support of U. S. military forces in Iraq and Afghanistan are governed by the Berry Amendment, and fall under the exception at Defense Federal Acquisition Regulation Supplement 225.7002-2 (f) (1) for acquisitions of food in support of contingency operations. DLA does not otherwise require its prime vendors to provide UHT milk produced by U. S. firms because of the considerable additional transportation expense associated with doing so. DLA is currently purchasing approximately 142,000 cases of UHT milk per month from its prime vendors supporting Iraq and Afghanistan. Approximately 60 to 67 percent of the monthly requirement originates from Afghanistan. Our prime vendor supporting Iraq obtains UHT milk from the Kuwaiti Danish Dairy Company. Our prime vendor supporting Afghanistan obtains UHT milk from Gulf and Safa Dairies Co. located in the United Arab Emirates.



UHT milk provided to troops serving in Bosnia and Kosovo is obtained from local sources by DLA's buying activity in Europe. The suppliers are subject to the same qualification process described above.

I trust this information will be responsive to your concerns.

Sincerely,

(b)(6)

Nancy M. Heimbaugh
Senior Procurement Executive



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FORT BELVOIR, VIRGINIA 22060-6221

Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, DC 20515
ATTN: Carlos Uriarte

February 28, 2012

Carlos,

Attached are the documents your committee requested on the Supreme SPV Afghanistan contract. There are 17 contract documents and one index document.

Please note, the documents attached are for the Committee's use only as they contain sensitive information subject to the non-disclosure provisions of the Freedom of Information Act (5 U.S.C. § 552), the Privacy Act (5 U.S.C. § 552a), and the Trade Secrets Act (18 U.S.C. § 1905). The Department provides these documents with a full reservation of rights and with the understanding and intent that such provision shall not be deemed a waiver of any applicable privilege. The Department respectfully requests that these documents be shared only within your Committee and then only with those who have an official need for the information, that the documents not be disclosed outside the Committee or to the public, that appropriate steps be taken to safeguard these documents, and that the documents be destroyed after use.

Please feel free to contact us with follow-up or any other issues.

Regards,

Robert T. Wimple Jr.
Director, Legislative Affairs



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Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, DC 20515
ATTN: Thomas Alexander

February 28, 2012

Thomas,

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Robert T. Wimple Jr.
Director, Legislative Affairs



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July 12, 2012

Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, DC 20515
ATTN: Carlos Uriarte

Dear Mr. Uriarte,

The enclosed documents represent DLA's third and final submission regarding the May 23, 2012, Committee letter seeking information concerning DLA's subsistence prime vendor contract for Afghanistan with Supreme FoodService. Specifically, the Committee requested the following information:

1. All communications regarding any proposed or requested expansion of the contract to include forward operating bases as additional delivery destinations; to include forward operating bases as additional delivery destinations.
2. All communications regarding proposed rates for distribution to forward operating bases, otherwise known as Premium Outbound Transportation.
3. All communications between Supreme and DLA regarding any audit of Supreme's proposed rates.
4. A listing of all contracting officers and contracting officer representatives, and those responsible for directly managing or overseeing any such persons, who have worked on the Supreme contract, including a brief description of each person's role with regard to the contract.
5. An explanation of DLA's position, including, but not limited to any supporting legal authority, documentation, and communication, that reasonable rates for Premium Outbound Transportation under the contract should be based on an audit of Supreme's actual costs.

In our previous two submissions we provided information in response to items one through four of the Committee's request. The first of those submissions was a DVD submitted on June 13, 2012, containing the Government's "Rule 4 file" submitted by DLA in Supreme's appeal to the Armed Services Board of Contract Appeals (ASBCA), which was in response to items two and three. The second was a DVD submitted on June 27, 2012, containing information responsive to items one and four.

The attached DVD contains supplementary information to the Rule 4 file specific to items two and three, and our response to item five. The enclosed index contains listings of the files contained on the DVD and should assist in researching the information.

Please note, the documents attached are for the Committee's use only as they contain sensitive information subject to the non-disclosure provisions of the Freedom of Information Act (5 U.S.C. § 552), the Privacy Act (5 U.S.C. § 552a), and the Trade Secrets Act (18 U.S.C. § 1905). The Department

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If you have any questions please contact Mr. Cordell Francis, Deputy Director, DLA Legislative Affairs, at 703-767-5292.

Regards,

Robert T. Wimple Jr.
Director
Legislative Affairs



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Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, DC 20515
ATTN: Carlos Uriarte

June 12, 2012

Carlos,

The enclosed documents are responsive to your May 23, 2012, letter seeking information concerning DLA's subsistence prime vendor contract for Afghanistan with Supreme FoodService. As the DLA Director noted in his May 31, 2012 letter, DLA is compiling responsive information which it will release on a rolling basis beginning this week.

The attached DVD contains the Government's "Rule 4 file" submitted by DLA in Supreme's appeal to the Armed Services Board of Contract Appeals (ASBCA). Under ASBCA Rule 4, agencies are required to submit a copy of the appeal file containing all documents pertinent to the appeal to the ASBCA. The file submitted in this case includes 112 tabs, including numerous electronic spreadsheets. An index is included identifying each tab, and each tab may be accessed by clicking on the link on the index (or alternatively, by pulling up each tab on the DVD). As indicated in the index, the documents include relevant solicitation and contract documents, and are followed (starting at tab 28) by key documents in chronological order. It is noted that while the Rule 4 file was submitted to the ASBCA with a copy to Supreme, ASBCA filings are not publicly available.

Please note, the documents attached are for the Committee's use only as they contain sensitive information subject to the non-disclosure provisions of the Freedom of Information Act (5 U.S.C. § 552), the Privacy Act (5 U.S.C. § 552a), and the Trade Secrets Act (18 U.S.C. § 1905). The Department provides these documents with a full reservation of rights and with the understanding and intent that such provision shall not be deemed a waiver of any applicable privilege. The Department respectfully requests that these documents be shared only within your Committee and then only with those who have an official need for the information, that the documents not be disclosed outside the Committee or to the public, that appropriate steps be taken to safeguard these documents, and that the documents be destroyed after use. Please feel free to contact us with follow-up or any other issues.

DLA will provide additional documents responsive to the Committee's request. If you have any questions please contact Mr. Cordell Francis, Deputy Director, DLA Legislative Affairs, at 703-767-5292.

Regards,

Robert T. Wimple Jr.
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Robert T. Wimple Jr.
Director, Legislative Affairs



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8725 JOHN J. KINGMAN ROAD
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June 27, 2012

Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, DC 20515
ATTN: Thomas Alexander

Dear Mr. Alexander,

The enclosed documents represent DLA's second submission regarding the May 23, 2012, Committee letter seeking information concerning DLA's subsistence prime vendor contract for Afghanistan with Supreme FoodService. On June 13, 2012, we provided a DVD containing the Government's "Rule 4 file" submitted by DLA in Supreme's appeal to the Armed Services Board of Contract Appeals (ASBCA).

The provided DVD contains information pertaining to items one and four referenced in the committee letter. The following is a list of the folder names on the DVD and a brief description of their content:

Request #1

(Expansion)

This folder contains all communications regarding any proposed or requested expansion of the contract to include forward operating bases as additional delivery destinations.

These files have been separated by Fiscal Year (FY) and placed into the corresponding FY subfolders (i.e. FY05, FY06, FY07, etc...). Of particular note, the FY12 subfolder contains a file titled "DSPR History.msg". This file provides the Subsistence Prime Vendor (SPV) concept of support through the Delivery Support Plan Request (DSPR) which addresses the procedural approach to obtain necessary data such as estimated quantities and site locations coordinated with supporting Sustainment Brigades and Joint Sustainment Command - Afghanistan.

Request #4

(DLA Team Members - Roles and Responsibilities)

This folder contains a listing of all contracting officers and contracting officer representatives, and those responsible for directly managing or overseeing any such persons, who have worked on the Supreme contract including a brief description of each person's role with regard to the contract.

Please note, the documents attached are for the Committee's use only as they contain sensitive information subject to the non-disclosure provisions of the Freedom of Information Act (5 U.S.C. § 552), the Privacy Act (5 U.S.C. § 552a), and the Trade Secrets Act (18 U.S.C. § 1905). The Department provides these documents with a full reservation of rights and with the understanding and intent that such provision shall not be deemed a waiver of any applicable privilege. The Department respectfully requests that these documents be shared only within your Committee and then only with those who have an official need for the information, that the documents not be disclosed outside the Committee or to the public, that appropriate steps be taken to safeguard these documents, and that the documents be destroyed after use. Please feel free to contact us with follow-up or any other issues.